

**EXPRESS MAIL NO.: EL984586383US**  
**DEPOSITED ON: March 23, 2004**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant: Donald E. Weder** **DOCKET NO.: 8404.047**

**Application No.: Not Yet Assigned** **Art Unit: 3644**

**Filed: Herewith** **Examiner: J. Nelson**

**For: FLORAL SLEEVE HAVING AN ARCUATE UPPER END**

**Box PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**INFORMATION DISCLOSURE STATEMENT**

The following sections are being submitted for this Information Disclosure Statement:

1.  Preliminary Statements
2.  Form PTO-1449 (Modified)
3.  Statement as to Information Not Found in Patents or Publications
4.  Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5.  Copies of Listed Information Items Accompanying this Statement
6.  Identification of Person(s) Making this Information Disclosure Statement

## **Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 2. Form PTO-1449 (Modified)**

A completed Form PTO 1449 (Modified) is attached hereto.

## **Section 3. Statement as to Information Not Found in Patents or Publications (Information Not Listed in Form PTO-1449)**

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
4. Polymer film and waxed tissue paper.

**Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/437,151, filed on May 13, 2003 (date).

*(complete the following, if applicable)*

- This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ (date).

The references that were submitted to, and/or cited by, the Office in the prior application(s) are not required to be provided in this application; however, the prior art references listed below were not cited previously in the prior application(s) and copies are provided herewith:

U.S. Patent Documents: 2,688,914; 3,003,681; 3,172,796; 3,405,863; 3,804,322; 5,575,107; 6,286,255; 6,286,256; 6,345,467.

Foreign Patent Or Published Foreign Patent Application: 224,507 - Italy.

**Section 5. Copies of Listed Information Items Accompanying this Statement**

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

[X] Exception(s) to above:

[X] Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

**Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT**

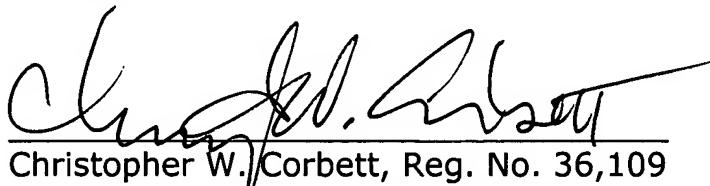
The person making this statement is the agent/attorney who signs below on the basis of the information:

[ ] supplied by the inventor(s)

[ ] supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).

[X] in the agent/attorney's file

Respectfully submitted,



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 Date Deposited: 03/23/2004

Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

<b>Complete if Known</b>	
Application Number	<b>Not Yet Assigned</b>
Filing Date	<b>Herewith</b>
First Named Inventor	<b>DONALD E. WEDER</b>
Group Art Unit	<b>3644</b>
Examiner Name	<b>J. Nelson</b>
Attorney Docket Number	<b>8404.047</b>

### **U. S. PATENT DOCUMENTS**

EXAM INIT.	Cite No. 1	<u>U.S. PATENT NUMBER</u> Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		524219		Schmidt	08/07/1894	
		732889		Paver	07/07/1903	
		950785		Pene	03/01/1910	
		1044260		Schloss	11/12/1912	
		1063154		Bergen	05/27/1913	
		1446563		Hughes	02/27/1923	
		1520647		Hennigan	12/23/1924	
		1525015		Weeks	02/03/1925	
		1610652		Bouchard	12/14/1926	
		1697751		Blake	01/01/1929	
		1794212		Snyder	01/18/1929	
		1811574		Barrett	03/14/1930	
		1863216		Wordingham	06/14/1932	
		1978631		Herrlinger	10/30/1934	
		2048123		Howard	07/21/1936	
		RE21065		Copeman	05/02/1939	
		2170147		Lane	08/22/1939	
		2200111		Bensel	05/07/1940	
		2278673		Savada et al.	04/07/1942	
		2302259		Rothfuss	11/17/1942	

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		2323287		Amberg	07/06/1943	
		2355559		Renner	08/08/1944	
		2371985		Freiberg	03/20/1945	
		2411328		MacNab	11/19/1946	
		2510120		Leander	06/06/1950	
		2529060		Trillich	11/07/1950	
		2621142		Wetherell	12/09/1952	
		2648487		Linda	08/11/1953	
		2688354		Berger	09/07/1954	
		2688914		Eckler	09/14/1954	
		2774187		Smithers	12/18/1956	
		2822287		Avery	02/04/1958	
		2846060		Yount	08/05/1958	
		2850842		Eubank Jr.	09/09/1958	
		2883262		Borin	04/21/1959	
		2989828		Warp	06/27/1961	
		3003681		Orsini	10/10/1961	
		3022605		Reynolds	02/27/1962	
		3080680		Reynolds et al.	03/12/1963	
		3094810		Kalpin	06/25/1963	
		3121647		Harris et al.	02/18/1964	
		3130113		Silman	04/21/1964	
		3293100		Questel	08/27/1963	
		3172796		Gülker	03/09/1965	
		3271922		Wallerstein et al.	09/13/1966	
		3316675		Cartwright, Jr.	05/02/1967	
		3322325		Bush	05/30/1967	
		3376666		Leonard	04/09/1968	

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		3380646		Doyen et al.	04/30/1968	
		3405863		Kugler	10/15/1968	
		3431706		Stuck	03/11/1969	
		3508372		Wallerstein et al.	04/28/1970	
		3510054		Sanni et al.	05/05/1970	
		3512700		Evans et al.	05/19/1970	
		3550318		Remke et al.	12/29/1970	
		3552059		Moore	01/05/1971	
		3554434		Anderson	01/12/1971	
		3556389		Gregoire	01/19/1971	
		3557516		Brandt	01/26/1971	
		3620366		Parkinson	11/16/1971	
		3681105		Milutin et al.	08/01/1972	
		3767104		Bachman et al.	10/23/1973	
		3793799		Howe et al.	02/26/1974	
		3804322		Ericson	04/16/1974	
		3869828		Matsumoto	03/11/1975	
		3888443		Flanigen	06/10/1975	
		3962503		Crawford	06/08/1976	
		4043077		Stonehocker	08/23/1977	
		4054697		Reed et al.	10/18/1977	
		4091925		Griffo et al.	05/30/1978	
		4113100		Soja et al.	09/12/1978	
		4118890		Shore	10/10/1978	
		4149339		Hall et al.	04/17/1979	
		4189868		Tymchuck et al.	02/26/1980	
		4216620		Weder et al.	08/12/1980	
		4248347		Trimbee	02/03/1981	

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		4265049		Gorewitz	05/05/1981	
		D259333		Charbonneau	05/26/1981	
		4280314		Stuck	07/28/1981	
		4297811		Weder	11/03/1981	
		4333267		Witte	06/08/1982	
		4347686		Wood	09/07/1982	
		4380564		Cancio et al.	04/19/1983	
		4400910		Koudstall et al.	08/30/1983	
		4413725		Bruno et al.	11/08/1983	
		4508223		Catrambone	04/02/1985	
		D279279		Wagner	06/18/1985	
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		4621733		Harris	11/11/1986	
		4640079		Stuck	02/03/1987	
		4717262		Roen et al.	01/05/1988	
		4733521		Weder et al.	03/29/1988	
		4765464		Ristvedt	08/23/1988	
		4771573		Stengel	09/20/1988	
		4773182		Weder et al.	09/27/1988	
		4801014		Meadows	01/31/1989	
		4810109		Castel	03/07/1989	
		4835834		Weder	06/06/1989	
		D301991		Van Sant	07/04/1989	
		4900390		Colten et al.	02/13/1990	
		4941572		Harris	07/17/1990	
		4946290		Matyja	08/07/1990	
		4980209		Hill	12/25/1990	
		4989396		Weder et al.	02/05/1991	

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		D315700		Stephens	03/26/1991	
		5073161		Weder et al.	12/17/1991	
		5074675		Osgood	12/24/1991	
		5076011		Stehouwer	11/1991	
		5105599		Weder	04/21/1992	
		5111638		Weder	05/12/1992	
		5117584		Ottenwalder	06/1992	
		5120382		Weder	06/09/1992	
		5152100		Weder et al.	10/06/1992	
		5181364		Weder	01/26/1993	
		5199242		Weder et al.	04/06/1993	
		5205108		Weder et al.	04/27/1993	
		D335105		Ottenwalder et al.	04/27/1993	
		5228234		de Klerk et al.	07/20/1993	
		5235782		Landau	08/17/1993	
		5239775		Landau	08/31/1993	
		5249407		Stuck	10/05/1993	
		5259106		Weder et al.	11/09/1993	
		5307606		Weder	05/03/1994	
		5315785		Avôt et al.	05/31/1994	
		5350240		Billman et al.	09/27/1994	
		5353575		Stepanek	10/11/1994	
		5361482		Weder et al.	11/08/1994	
		5388695		Gilbert	02/14/1995	
		5428939		Weder et al.	04/04/1995	
		5443670		Landau	08/22/1995	
		5493809		Weder et al.	02/27/1996	
		5496251		Cheng	03/05/1996	

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		5496252		Gilbert	03/05/1996	
		D368025		Sekerak et al.	03/19/1996	
		5526932		Weder	06/18/1996	
		5551570		Shaffer et al.	09/03/2001	
		5572849		Weder et al.	11/12/1996	
		5572851		Weder	11/12/1996	
		5575107		Doerr	11/19/1996	
		5575133		Weder et al.	11/19/1996	
		5617703		Weder	04/08/1997	
		5624320		Martinez	04/29/1997	
		5625979		Weder	05/06/1997	
		5647168		Gilbert	07/15/1997	
		5647193		Weder et al.	07/15/1997	
		5706605		Alzacar	01/1998	
		5715944		Windisch	02/10/1998	
		5735103		Weder	04/1998	
		5758472		Weder	06/1998	
		5813194		Weder	09/1988	
		D404684		Shea	01/26/1999	
		5924241		Hodge	07/1999	
		5941020		Weder	08/1999	
		5966866		Ferguson	10/1999	
		5974730		Chien	11/02/1999	
		6009687		Weder	01/2000	
		D419436		Celtorius et al.	01/25/2000	
		6047524		Weder	04/2000	
		D424972		Ferguson	05/16/2000	
		6098336		Ferguson	08/08/2000	

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		6129208		Ferguson	10/10/2000	
		6129209		Tchira	10/10/2000	
		6141906		Weder	11/07/2000	
		6182395		Weder	02/2001	
		6183590		Weder	02/06/2001	
		6286255		Weder et al.	09/11/2001	
		6286256		Weder	09/11/2001	
		6345467		Weder	02/12/2002	

## FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	<u>Foreign Patent Document</u>		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T*
		Office 3	Number 4				
		4231978		Australia	06/21/1979		
		654427		Belgium	01/02/1965		
		1204647		Denmark	09/09/1970		
		0050990		EPO	05/05/1982		
		0791543		EPO	08/27/1997		
		1376047		France	09/14/1964		
		2036163		France	12/24/1970		
		2137325		France	12/29/1972		
		2272914		France	12/26/1975		
		2489126		France	03/05/1982		
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		2603159		France	03/04/1989		
		2610604		France*(see FN below)	08/12/1988		
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		15550		Germany	06/02/1900		

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		Office 3	Number 4	Kind Code <sup>5</sup> (If known)			
		345464		Germany	12/12/1921		
		513971		Germany	11/27/1930		
		1166692		Germany	03/26/1964		
		1962947		Germany	06/24/1971		
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		2748626		Germany	05/03/1979		
		3445799		Germany	06/19/1986		
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		3911847		Germany	10/25/1990		
		224507		Italy	04/30/1996		
		542958		Japan	02/23/1993		
		6127555		Japan	05/10/1994		
		8-19334		Japan	01/23/1996		
		1000658		Netherlands	01/05/1996		
		8301709		Netherlands	12/1984		
		9315979		PCT	08/19/1993		
		9712819		PCT	04/10/1997		
		560532		Switzerland	04/15/1975		
		5605		United Kingdom	05/06/1885		
		2056410		United Kingdom	03/18/1981		
		2074542		United Kingdom	11/04/1981		
		2128083		United Kingdom	04/26/1984		
		2203127		United Kingdom	10/12/1988		
		2212136		United Kingdom	07/19/1989		
		2252708		United Kingdom	08/19/1992		

## FOREIGN PATENT DOCUMENTS

EXAM INIT.	Cite No. 1	Foreign Patent Document Office 3 Number 4	Name of Patentee or Applicant of Cited Document Kind Code5 (If known)	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>

**U.S. and Foreign:** <sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

EXAM INIT.	PATENT DOCUMENTS
	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	Speed Cover Brochure, "The Simple Solution For Those Peak Volume Periods", Highland Supply Corporation, ©1989.
	"Speed Sheets and Speed Rolls" Brochure, Highland Supply Corporation, ©1990.
	"Color Them Happy with Highlander Products" ©1992.
	"Costa Keeps the Christmas Spirit", Supermarket Floral, September 15, 1992.
	"Super Seller", Supermarket Floral, September 15, 1992.
	"Halloween", Link Magazine, September 1992.
	"Now More Than Ever", Supermarket Floral, September 15, 1992.
	Le Plant Sac Advertisement, published prior to September 26, 1987.
	"A World of Cut Flower and Pot Plant Packaging" Brochure, Klerk's Plastic Products Manufacturing, Inc., published prior to March 31, 1994, 6 pages.
	Chantler & Chantler brochure showing Zipper Sleeve™ and Florasheet®, published prior to March 31, 1994, 2 pages.
	"Stand Alone Plastic Bagmaking" brochure, AMI, Atlanta, GA, February 15, 1996, 2 pages.
	"Foil Jackets" brochure, Custom Medallion, Inc., December, 1996, 2 pages.
	"Derwent Abstract" of FR 2610604A. It is noted that the abstract is an incorrect English translation of the contents of the French patent. The French patent does not enable or disclose adhesively attaching the covering to the container. 1988.
	"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.
	"Special Occasion Printed Highlophane Bags" Brochure, Highland Supply Corporation, 1990, 2 pages.
	"Creative Packaging" Brochure, John Henry Company, Sept. 1992.
	"Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991.
	WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.

**Non Patent Documents:** <sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

EXAM  
INIT.**PATENT DOCUMENTS**

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published

Examiner Signature:

Date Considered:

EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. \*\*Place of publication refers to name of publication in which the information was published.